

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14862 of 2020

Raja @ Rajarathinam

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur,
(Crime No.623 of 2014)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to release the petitioner in connection with Non Bailable Warrant issued against him in S.C.No.24 of 2020 on the file of the learned Principal District Judge, Tiruppur.

For Petitioner : Mr.P.Raj Kumar

For Respondent : Ms.S.Thankira

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner has been arrested pursuant to the Non Bailable Warrant issued by the learned Principal District Judge, Tiruppur in S.C.No.24 of 2020 in Crime No.623 of 2014 for the offence punishable under Section 364, 302, 379 and 201 r/w 109 IPC. The Non Bailable Warrant was issued by the Court on 23.12.2019 and the same was executed on 04.03.2020.

2. The learned counsel appearing for the petitioner would submit that the petitioner was originally enlarged on bail and thereafter, he was regularly appearing before the Trial Court. On 23.12.2019, due to his illness he could not appear before the Trial Court and thereby, the Trial Judge had issued Non Bailable Warrant (NBW), pursuant to which, the petitioner was arrested on 04.03.2020. He would further submit that the petitioner is in custody from 04.03.2020.

3. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that it is a case of murder for gain. She would further submit that the petitioner belongs to Dindigul District and the case was committed within the jurisdiction of Tiruppur District. The case in S.C.No.24 of 2020

was posted for furnishing copies, the petitioner did not appear before the Trial Court on that day, hence, the Trial Judge had issued NBW against him on 23.12.2019 and with great difficulty, the warrant was executed on 04.03.2020. She would further submit that the petitioner has involved in 10 previous cases like theft, house breaking and robbery. When that being the position, if the petitioner is enlarged on bail, there is every chance of the petitioner getting absconded and the progress of the trial will be derailed. She would further submit that this is the second bail application and the earlier bail application filed by the petitioner was dismissed by this Court vide order dated 26.06.2020 in Crl.O.P.No.9550 of 2020 and there is no change of circumstances.

4. In the light of the above submission made by the learned Government Advocate (Crl. Side) and considering the antecedents of the petitioner and also the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

5. This Criminal Original Petition stands dismissed accordingly.

-sd/-
23/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

- 1 THE PRINCIPAL DISTRICT JUDGE, TIRUPPUR
- 2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 3 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION, TIRUPPUR

CC to M/S. P. RAJKUMAR Advocate on payment of necessary charges

CRL OP.14862/2020

Date :23/09/2020

GKS:28/09/2020